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T-431 P.001/004 F-051

US 18023/5420

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	
)	
Ilya E. Nifant'ev et al.)	
)	
Serial No.: 09/914,304)	Examiner: Robert Harlan
)	
Filed: August 27, 2001)	Art Unit: 1713
)	
For: HETEROCYCLIC METALLOCENE)	
COMPOUNDS AND USE THEREOF)	
IN CATALYST SYSTEMS FOR)	
PRODUCING OLEFIN POLYMERS)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 26, 2004

TRANSMITTAL OF REPLACEMENT TERMINAL DISCLAIMER

Applicants enclose with this transmittal a new Terminal Disclaimer to replace the previously submitted Terminal Disclaimer in the above-identified Application. The previously submitted Terminal Disclaimer contained inadvertent errors that have been corrected. The Commissioner is respectfully requested to record this replacement Terminal Disclaimer.

The Commissioner is hereby authorized to charge Applicants' Deposit Account No. 08-2336 the fee under 37 CFR 1.20(d) for the new Terminal Disclaimer, and any other fee required for consideration of this transmittal.

Respectfully submitted,

ILYA E. NIFANT'EV ET AL

February 26, 2004
(Date)

By:

William R. Reid

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Registration No. 47,894

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-305-3230 on February 26, 2004.

William R. Reid

February 26, 2004

Date of Signature

US 18023/5420

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In re patent application of:

Ilya E. Nifant'ev et al.

Serial No.: 09/914,304

Filed: August 27, 2001

For: **HETEROCYCLIC METALLOCENE
COMPOUNDS AND USE THEREOF
IN CATALYST SYSTEMS FOR
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Examiner: Robert Harlan

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Commissioner for Patents
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February 26, 2004

The following Terminal Disclaimer replaces Applicants' Terminal Disclaimer filed January 6, 2004.

TERMINAL DISCLAIMER

The owner, Basell Polyolefine GmbH, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/914,411, filed on August 28, 2001, and pending third Application Number 09/914,305, filed August 27, 2001, of any patent on the pending second and third applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second and third applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the

grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on pending second Application Number 09/914,411, filed on August 28, 2001, and pending third Application Number 09/914,305, filed August 27, 2001, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is empowered to act on behalf of Basell Polyolefine GmbH.

William R. Reid

Signature

February 26, 2004

Date

William R. Reid

Registration No. 47,894

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-305-3230 on February 26, 2004.

William R. Reid

February 26, 2004
Date of Signature